

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

**LEXINGTON INSURANCE COMPANY AND
NATIONAL UNION FIRE INSURANCE COMPANY
OF PITTSBURGH,**

Plaintiffs

v.

**VIRGINIA SURETY COMPANY, INC.,
Defendant.**

**CIVIL ACTION
No. 04-11109 RGS**

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs, National Union Fire Insurance Company of Pittsburgh, PA, and Lexington Insurance Company, hereby appeal to the United States Court of Appeals for First Circuit from the Memorandum and Order on Cross-Motions for Summary Judgment, entered in this action on May 3, 2007.

Dated: May 31, 2007

Respectfully submitted,
Defendants, ***Lexington Insurance Company
and National Union Fire Insurance
Company of Pittsburgh, PA.***
By their attorneys,

/s/Gerald S. Frim

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CERTIFICATE OF SERVICE

I, Gerald S. Frim, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 31, 2007.

Dated: May 31, 2007

/s/ Gerald S. Frim
Gerald S. Frim

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